

Attorney Docket No. GB 020197

REMARKS**I. INTRODUCTION**

No new matter has been added. Thus, claims 1- 4 remain pending in this application. It is respectfully submitted that based on the following remarks, all of the presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,013,391 to Herle et al. (hereinafter "Herle"). (See 08/28/07 Office Action, p. 3).

Herle includes a mobile station location server that determines a mobile station's location through various locating techniques or by receiving the location information from the mobile station over an encrypted channel. The server stores the location in memory that may be accessed by authorized client access devices. A requesting client access device transmits a request to the server. The server authenticates the request to verify that the client access device is authorized to receive the location information. If the client access device is authorized, the server can then transmit the information in either an encrypted or decrypted form to the device. (See Herle, Abstract.) The server also holds within its memory profile fields of the mobile stations, authorized client profile fields, and encryption-decryption keys. (See Herle col. 5, ll. 55-57.) Using the different fields and keys, the server authenticates and transmits the location information. (See Herle col. 5, l. 59 – col. 6, l. 8.)

Claim 1 récites, "sharing the predetermined encryption key between the mobile device

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and the remote terminal but not with the server.” The Examiner asserts, “that which would have make obvious to one of ordinary skill in the art at the time the invention was made to see the suggestion of another embodiment implementation of the invention wherein the MS does not share with the server the use of the encryption-decryption key.” (See 08/28/07 Office Action p. 4).

4). Applicant respectfully disagrees.

Herle states that, “Wireless mobile stations will soon be required to be able to determine their geographic location. This location information is **required** to be relayed only to the wireless service provider or a Public Service Access Point... While this position is **necessary for emergency** purposes, it would also be useful for targeting commercial services.” (See Herle col. 1, ll. 17-32). Herle further states that, “The present invention encompasses an apparatus for transferring geographic location information associated with the mobile station to a server accessible via a communication network coupled to the wireless network. The apparatus comprises memory that stores mobile station current position information **and at least one encryption/decryption key.**” (See Herle col. 1, ll. 45-50). Herle contradicts the Examiner’s assertion that at the time of the invention one of ordinary skill would have made an embodiment that prevented the server from having access to the encryption/decryption key. Herle specifically states that the server must have access to the encryption/decryption key. In contrast, claim 1 recites, “sharing the predetermined encryption key between the mobile device and the remote terminal but not with the server.” Therefore, Applicant submits that claim 1 is patentable over Herle.

Independent claim 2 recites, “A mobile device configured to determine its location, encrypt its location using an encryption key, transmit the encrypted location to a server, and share the predetermined encryption key with a remote terminal but not the server.” Applicant submits that this claim is also allowable for at least the same reasons given above with respect to claim 1.

Independent claim 3 recites, “wherein between receipt and transmission of the encrypted

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location by the server, the server is not in possession of the encryption key.” Applicant submits that this claim is also allowable for at least the same reasons given above with respect to claim 1.

Independent claim 4 recites, “A terminal configured to query a remote server for the location of a particular mobile device with which it has shared an encryption key independently of the server; and upon receipt of an encrypted location encrypted with the encryption key, decrypting the location.” Applicant submits that this claim is also allowable for at least the same reasons given above with respect to claim 1.

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In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

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